

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY - - SEPTEMBER 6, 2005 - - 7:30 P.M.

Mayor Johnson convened the Regular Meeting at 7:36 p.m.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(05-421) Library Project update.

The Project Manager gave a brief presentation.

Mayor Johnson stated that she continually receives positive comments from the public.

(05-422) Sherri Stieg, West Alameda Business Association, announced that the Peanut Butter Jam Festival would be held on September 10 and 11, 2005 between Webster Street and Pacific Avenue; presented wine glasses to the Council; thanked the City and Alameda Power & Telecom for sponsoring the event.

CONSENT CALENDAR

Mayor Johnson announced that the recommendation to authorize the Mayor to send letters to federal legislators [paragraph no. 05-425] was removed from the Consent Calendar for discussion.

Councilmember Matarrese moved approval of the remainder of the Consent Calendar.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*05-423) Minutes of the Special and Regular City Council meetings held on August 16, 2005. Approved.

(*05-424) Ratified bills in the amount of \$11,953,915.90.

(05-425) Recommendation to authorize the Mayor to send letters to federal legislators supporting S. 1260 (Vitter), S. 113 (Feinstein), H.R. 2353 (Rogers), and H.R. 3431 (Dent) which amend federal legislation to further restrict the establishment of tribal gambling casinos.

Doug Siden, East Bay Regional Park District (EBRPD), thanked the Council for the efforts to stop the gambling casino proposal at Martin Luther King Park; encouraged continual vigilance; stated that the Tribe's application has not been withdrawn; there has been no response to EBRPD's communications to the Bureau of Indian Affairs.

Mayor Johnson stated there has been a true partnership between all the affected cities, EBRPD, and the County; the public should be informed of federal representatives actions;; read a portion of the proposed legislation; stated local control at the federal level means the Governor; that she would prefer local control be more local; the Governor does not have much control over casinos; there is a lot of important work being done that will help the community.

Councilmember Daysog stated that there is a slew of legislation pushing back on casinos' efforts to enter urban areas; H.R. 3431 would ensure local governments within 15 miles of a proposed site have a say; encouraged H.R. 3431 be strengthened.

Councilmember Matarrese moved to approval of the staff recommendation.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

(*05-426) Recommendation to accept the work of Gallagher & Burk, Inc. for repair and resurfacing of certain streets, Phase 25, No. P.W. 05-04-06. Accepted.

(*05-427) Recommendation to approve the Request for Proposals (RFP) for Restaurant and Bar Services at the Chuck Corica Golf Complex. Accepted.

REGULAR AGENDA ITEMS

(05-428) Resolution No. 13888, "Commending Alameda Free Library Director Susan H. Hardie for Her Contributions to the City of Alameda." Adopted.

Councilmember Daysog moved adoption of the resolution.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

Ms. Hardie thanked the Council for the resolution; stated that it has been her pleasure and privilege to be involved with the new library project.

(05-429) Resolution No. 13889, "Appointing Marilyn Ezzy Ashcraft as a Member of the Economic Development Commission." Adopted;

(05-429A) Resolution No. 13890, "Reappointing Robert F. Kelly as a Member of the Economic Development Commission." Adopted; and

(05-429B) Resolution No. 13891, "Reappointing Anthony M. Santare as a Member of the Golf Commission." Adopted.

Councilmember Matarrese moved adoption of the resolutions.

Councilmember Daysog seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Daysog, Gilmore, Matarrese, and Mayor Johnson - 4. Absent: Councilmember deHaan - 1. [Note: Councilmember deHaan was away from the dais when the matter was voted upon.]

The City Clerk administered the Oath and presented certificates of appointment to Ms. Ashcraft and Mr. Santare.

(05-430) Public hearing to consider **Introduction of Ordinance** "Amending Alameda Municipal Code by Amending Chapter XIII (Building and Housing) by Repealing Article I, Section 13-4 (Alameda Electrical Code) in Its Entirety and Adding a New Article I, Section 13-4 (Alameda Electrical Code) to Adopt the 2004 California Electrical Code and Approve Certain Amendments Thereto." Introduced.

The Acting Planning and Building Director gave a brief presentation.

Mayor Johnson opened the public portion of the Hearing.

There being no speakers, Mayor Johnson closed the public portion of the Hearing.

Councilmember deHaan moved introduction of the Ordinance.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

(05-431) Public hearing to consider an Appeal of the Historical Advisory Board's decision to impose penalties for unauthorized demolition. The site is located at 616 Pacific Avenue, within the R-4, Neighborhood Residential District. Applicant/Appellant: Erwin Roxas; and

(05-431A) Resolution No. 13892, "Granting the Appeal and Overturning the Historical Advisory Board's Decision to Uphold the Five-Year Stay in Development for the Property Located at 616 Pacific Avenue." Adopted.

The Supervising Planner gave a brief presentation.

Councilmember Daysog stated that the site's historic designation is Level H; inquired whether Levels A through G are before Level H.

The Supervising Planner responded that designation "N" is for buildings that could be placed on the National Register, "S" is for buildings that could be placed on the State Register, and "H" is the lowest level for potentially historic buildings that require further investigation.

Mayor Johnson opened the public portion of the Hearing.

Opponent (Not in favor of appeal): Kevin Frederick, Alameda.

Proponent (In favor of appeal): Paul Rezucha, Alameda.

There being no further speakers, Mayor Johnson closed the public portion of the Hearing.

Mayor Johnson stated that she could not tell from the drawings that 24 studs were retained; the neighbor mentioned that studs from the north and west walls were being retained; inquired whether parts of the walls would be used in the interior of the house.

The Acting Planning and Building Director responded in the affirmative.

Mayor Johnson inquired whether any of the exteriors walls would remain, to which the Acting Planning and Building Director responded that the sidewall and part of the front wall would remain.

Mayor Johnson stated that the west and front walls appear to be completely new.

The Acting Planning and Building Director stated that the walls on the right-hand side of the house and most of the front wall would remain; a number of the back and left side walls would be inside; the ordinance addresses demolition of more than 30% of the value of a home; enclosing an exterior wall is not considered demolition.

Mayor Johnson inquired whether the intent of the ordinance was to preserve the historic structure; questioned how retaining some of the studs preserves a historic structure.

The Acting Planning and Building Director responded that the ordinance was intended to preserve the historic structure; the first floor, sidewall, and front wall would remain; the roof would be raised; determining that the demolition would be less than 30% was reasonable.

Mayor Johnson stated that the front and west walls look like new walls.

The Acting Planner/Building Official stated that the front wall would be changed; the original house had 45 degree angles at the corners; the new house would be squared off; the side walls would remain; moving doors and windows is not considered demolition.

Mayor Johnson stated the issue is deconstruction versus demolition; the owner believes that deconstruction is not demolition.

The Acting Planning and Building Director stated that he truly believes that the owner understood that the Planning Department gave permission to dismantle or deconstruct, stack the pieces in the backyard, and put the pieces back when the dry rot was repaired; the ordinance needs to be reviewed; interpretation is somewhat vague.

Mayor Johnson stated the ordinance is not doing what was intended, is not protecting the historic assets, and could result in more damage than protection; inquired what are the options under the ordinance; stated that she did not understand how the 3,400 square foot structure got through the design review process; the houses in the area are smaller, one-story craftsman style homes; a 3,400 square foot home is gigantic for the neighborhood.

The Acting Planning and Building Director stated the lot is one of the biggest on the block; there are 21 residential structures, including 10 two-story homes and 11 one-story homes ranging from 792 to 4,480 square feet; 17 of the structures are single-family dwellings, 3 are duplexes, and one is a 5-unit apartment building; three buildings are between 3,000 and 3,500 square feet each

directly in back of the lot on Lincoln Avenue; 15 of the buildings are owner-occupied and 6 are rentals; the construction period ranges from 1895 to 1999; the neighborhood has a fairly good mix [of houses].

Mayor Johnson stated that the design review process needs to be reviewed; there are commercial and two-story structures in the area; Lincoln Avenue structures should not be considered; inquired whether moving a piece of the structure counts as demolition.

The Acting Planning and Building Director responded not necessarily; the project is viewed as a whole to determine if demolition is more or less than 30%; a new, red stamp will be placed on all plans to indicate the Historical Advisory Board's (HAB's) approval is needed prior to demolishing more than 30% of a pre-1942 home.

Mayor Johnson stated the issue needs to be reviewed; people think that deconstruction and reconstruction do not count as demolition.

Vice Mayor Gilmore stated the demolition issue is being reviewed independently; someone could demolish less than 30% of a house and build a structure that does not look historic; on the other hand, a 50% demolition and remodeling project could retain the historic look; that she is not sure how the demolition can be separated from the design review; the matter needs to be reviewed in terms of what is being protected.

The Acting Planning and Building Director stated the exterior walls and roof percentages are reviewed.

Mayor Johnson stated that the design does not reflect the historic character of the building.

Councilmember Daysog inquired when demolition versus deconstruction issues would be addressed.

The Acting Planning and Building Director responded the issues would be addressed as quickly as possible; that he would like to review other jurisdiction's process.

Councilmember Daysog stated the situation is unfortunate; the existing ordinance needs to be clarified; the Appellant needs to move forward with the project for reasons stated in the report; staff and the Appellant have different interpretations; suggested moving forward with the project and, at the same time, move forward with resolving the larger issues.

Vice Mayor Gilmore inquired how the dry rot issue should be handled from a construction standpoint.

The Acting Planning and Building Director responded that rotted wood needs to be removed; new members could be attached if termite damage has been repaired; termite repair can be more than 30% of a house.

Mayor Johnson stated the Appellant should have been referred to the HAB to get a demolition permit when the rot was discovered.

Councilmember Matarrese inquired what would be the implication in upholding the five-year stay.

The Supervising Planner responded the Appellant would need to provide a landscaping plan and maintain the site for five years with no building on it.

Councilmember deHaan stated there are other dynamics occurring; inquired how many similar projects there are in the City.

The Acting Planning and Building Director responded there are three projects subject to the ordinance.

Councilmember deHaan inquired whether one project was resolved, to which the Acting Planning and Building Director responded in the affirmative.

Councilmember deHaan stated the bubble has been lost in the interpretation of the ordinance; he is concerned with retaining the architectural design; the scale seems to be imposing on the neighborhood; inquired what the adjacent houses look like.

Mayor Johnson responded that the adjacent houses are both two-story structures; that she does not recall the houses being close to 3,400 square feet.

The Acting Planning and Building Director stated that the adjacent houses are approximately 1,500 square feet each.

Councilmember deHaan stated that there are multiple dwellings that are expanding and becoming disproportional to the adjacent housing; inquired whether the HAB reviews the issue.

The Acting Planning and Building Director responded that the HAB would address the issue if a historical structure were involved.

Councilmember Daysog inquired what floor area ratio was being

employed.

The Acting Planning and Building Director responded that he was not sure; stated that the floor area ratio falls within the lot coverage requirements.

Councilmember Daysog inquired what was the maximum lot coverage.

The Acting Planning and Building Director responded 40%; stated the lot is deceiving because of the area behind the neighbor's garage.

Mayor Johnson stated the portion that goes around the corner is not visible; the house would be very large on the lot; inquired whether a fine could be imposed instead of the five-year penalty.

The Acting Planning and Building Director responded there would be increased fees based on the valuation of the construction, for work without permit, and for investigation.

Mayor Johnson stated other people should not be allowed to deconstruct and reconstruct until the ordinance is revised.

The Acting Planning and Building Director stated that the staff is erring on the cautious side and referring people to the HAB.

Councilmember Daysog stated the lot would be roughly 9,450 square feet if the dog run was not included, which would be a .37% floor area ratio; housing should be viewed in terms of adjacent homes as well as appropriate lot size; the home fits the lot size; there is not a monstrous home affect.

Councilmember Matarrese inquired whether the direction has been given to refer people to the HAB, to which the Acting Planning and Building Director responded that people are being referred to the HAB if demolition appears to be close to 30%.

Councilmember Matarrese stated that 30% could be a calculation based on the structure of the building and not necessarily in context with the intent of the ordinance; there should be some discretion applied or guidance adopted; allowing 25% or 30% demolition to the front of a building and roofline would not meet the real intent of the ordinance; inquired whether there is any refinement on the plan check level that ties back to the issue of design review.

The Acting Planning and Building Director stated that he makes the 30% determination during design review; that he always gives more weight to the removal of exterior walls, particularly front walls,

versus interior walls.

Councilmember Matarrese inquired whether there was any guidance being given now to prevent misinterpretation.

The Acting Planning and Building Director responded that there are no new guidelines; staff would be looking more closely.

Mayor Johnson stated that the Council needs to know that the intent of the ordinance will be carried out; the drawings do not show any resemblance to the original house.

Councilmember deHaan stated 30% is hard to interpret; inquired whether the percentage should be more.

The Acting Planning and Building Director responded a method other than percentage should be defined.

Mayor Johnson stated that there is no need to wait for an ordinance revision to carry out the intent; noted that a defacto demolition of a historic structure will not be allowed because of a badly drafted ordinance.

The Acting Planning and Building Director stated that the matter is being addressed; there should not be any similar issues in the future.

The City Manager stated that there have been many internal discussions regarding the lack of direction in some parts of the ordinance; inconsistencies need to be address; guidelines would be handled internally.

Mayor Johnson inquired whether deconstruction and reconstruction would be addressed, to which the Acting Planning and Building Director responded in the affirmative.

The City Manager stated that HAB input would be sought.

Vice Mayor Gilmore stated some structures have the potential for historic designation but have not been certified; home owners should not have to jump through hoops if the house is not truly historic; many houses are old, but not historic; she does not want to preserve old, non-historic houses; inquired how the issue could be balanced.

Mayor Johnson stated that owners could apply to have their houses removed from the historic study list.

Councilmember Matarrese stated that the "H" designation is for old houses that may have the potential to be historic, but need to be studied more; houses may not be worth further study; a withdrawal process for non-historic houses may be necessary; the project's character issues can be addressed in design review.

Councilmember deHaan stated that 500 Central Avenue is a historical structure.

The Supervising Planner stated that 500 Central Avenue has an "S" designation.

Councilmember deHaan stated that 30% demolition for 500 Central Avenue was unrealistic and should have been at 80%; stated that he has concerns with how tonight's decision would impact the two other outstanding projects.

The Acting Planning and Building Director stated that tonight's decision would only affect 500 Central Avenue; the other property was not a listed building; there is another set of criteria for pre-1942 houses; there was a whole different set of facts regarding 500 Central Avenue; the owner was aware of what he was doing.

Mayor Johnson inquired whether the owner's awareness was a distinction that could be used.

The Acting Planning and Building Director responded that he thought so; the owner tore down a house on the same property last year without permits.

Mayor Johnson stated not setting precedents is important; inquired whether the Appellant would have been successful in removing the property from the historical list at either the HAB or Council level.

The Acting Planning and Building Director responded that staff believes that the Appellant would have been granted a certificate of approval for demolition if sought prior to demolition; the house has been significantly remodeled in the past 100 years; the house is very similar to a building that received a certificate of approval for demolition from the HAB; the Appellant was denied after the fact.

Mayor Johnson stated that contributing factors are part of the ordinance.

The City Manager stated that the ordinance needs to be reviewed in terms of options and penalties; each project will be reviewed and

determinations will be made based upon the circumstances of the building.

Mayor Johnson inquired whether hold harmless clauses are standard on planning and building resolutions.

The City Attorney responded the clause is not standard; the clause is requested to be included in certain cases.

Councilmember deHaan stated that much of tonight's discussion is based upon interpretation; stated that he is comfortable with the staff's recommendation based upon what has been provided.

The Acting Planning and Building Director stated that the Alameda Architectural Preservation Society (AAPS) is very active; AAPS regularly advises him when there is any hint of activity.

Vice Mayor Gilmore inquired whether residents are advised about the process to have their houses de-listed; some ambiguity could be cleared.

The Acting Planning and Building Director responded there is not a current process.

Councilmember Daysog stated many issues suggest the need to strengthening the ordinance with regard to demolition/deconstruction of historic properties; the project should move forward; the Appellant was working in good faith; there appears to be strong reasons for moving forward with the project while the ordinance is improved.

Councilmember Daysog moved to approval of the staff recommendation. [Adoption of the resolution Granting the Appeal and directing the City Manager to review provisions of Section 13-21 of the Alameda Municipal Code related to the demolition of historic structures and develop, with input from the community and HAB, recommended amendments and penalty options.]

Mayor Johnson inquired whether the design issue could be re-examined.

The Supervising Planner stated that the design review has already been approved; the Appellant has been acting under the approval.

Mayor Johnson stated that 3,400 square feet is too much for the neighborhood.

The Supervising Planner stated that the Appellant could be

requested to consider re-design; noted the Appellant has already pulled permits and has vested the construction.

Mayor Johnson stated people would question why the project was approved in ten years.

Councilmember Daysog stated that he understands Mayor Johnson's concern with the size, but that the footprint is appropriate for the parcel.

Mayor Johnson stated lot coverage cannot be dealt with in a vacuum; the rest of the neighborhood needs to be addressed; requested that staff inquire whether the Appellant would be willing to look at the design review issue.

Vice Mayor Gilmore stated that she sympathizes with Mayor Johnson's concern about the size of the house; Alameda property owners have certain rights if the structure fits within the box of the zoning code; zoning for every other property in the City would be changed unless the zoning code is changed.

Mayor Johnson stated that the issue should be re-examined; lot coverage is not an entitlement; there is a design review standard for neighborhood compatibility.

Councilmember deHaan stated that the house would be architecturally the same if cut back by 800 to 1,000 square feet.

Councilmember Daysog inquired what the neighbors thought about the project.

The Acting Planning and Building Director responded that there was a ten-day notice and no comments were received.

Mayor Johnson inquired who received the notice, to which the Acting Planning and Building Director responded the property owners.

Mayor Johnson stated renters would not be informed about the project.

The Acting Planning and Building Director stated that the neighborhood is predominately owner occupied; County records indicate that 15 of the 21 buildings are owner occupied; 6 of the buildings are rental.

Mayor Johnson requested staff to address the possibility of redesign with the Appellant.

Mayor Johnson called a recess at 9:01 p.m. and reconvened the Regular City Council Meeting at 9:10 p.m.

The Acting Planning and Building Director stated that the Applicant is unable to redesign the house; the house is designed for an elderly person in a wheelchair; the hallways are 5 feet wide; several bathrooms have a turning radius for a wheelchair.

Mayor Johnson stated redesigning the sidewall would make the house look better; noted the wall looks like a factory wall.

Councilmember deHaan concurred with Mayor Johnson; stated that an architectural separation between the stories would not be that costly.

The Acting Planning and Building Director stated that the Appellant could be requested to consider a different exterior sidewall design.

The Appellant agreed.

Mayor Johnson stated the building could look a lot better than the drawings; less detailed work is easier for an owner-builder; making the building look better is worth the effort; the larger issue of design review needs to be addressed; awareness of neighborhood compatibility needs to be addressed in the design review process.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

(05-432) Resolution No. 13893, "Empowering the City Attorney to Employ Special Legal Counsel." Adopted; and

(05-432A) Recommendation to approve Policy regarding Hiring Procedures for Special Legal Counsel.

Councilmember Daysog extended his appreciation to the City Attorney for addressing some of the Council's issues; stated that the resolution is not just for the Council but for the City for many years.

Vice Mayor Gilmore moved adoption of the resolution.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

ORAL COMMUNICATIONS, NON-AGENDA

(05-433) Former Councilmember Lil Arnerich, Alameda, discussed disaster preparedness; stated that the Council should take charge in working with the Police, Fire, Public Works Departments, and schools to ensure that there is a detailed plan to provide emergency services and information to the community in case of a disaster; submitted a list of the Alameda County Fair's response team.

Mayor Johnson inquired whether the tabletop exercise was performed once a year.

Mr. Arnerich responded in the affirmative; stated that the exercise is different from the City's exercise; noted the responsible parties should be identified before a disaster occurs; the tabletop exercise has been conducted every year for six years and works very well.

(05-434) Bill Smith, Alameda discussed work/live studios, 500 Central Avenue, and fast boats.

COUNCIL COMMUNICATIONS

(05-435) Consideration of Mayor's nominations for appointment to the Civil Service Board, Economic Development Commission, Historical Advisory Board, Housing and Building Code Hearing and Appeals Board, Public Art Commission and Recreation and Parks Commission.

Mayor Johnson nominated Karen Lee and K.C. Rosenberg for reappointment to the Public Art Commission, and Terri Bertero Ogden for appointment to the Recreation and Parks Commission.

(05-436) The Fire Chief provided information on Hurricane Katrina Disaster Relief and the City's Emergency Operation Plan and upcoming exercises.

Mayor Johnson stated that a lot of communication has been received regarding Hurricane Katrina and the City's disaster preparedness; noted that the Fire Chief would provide information on how the community could help the hurricane victims.

The Fire Chief stated that Hurricane Katrina is a challenging and unique type of disaster; continual flooding waters have delayed infrastructure repair; financial contributions are needed; provided contact information for the American Red Cross, the Salvation Army and the United Way, Bay Area; stated that the City's Emergency

Operation Plan is very comprehensive and outlines who is in charge and the responsibilities of each individual; the Mayor and the Council are the policy makers; the City Manager is in charge of the Emergency Operations Center (EOC); the City Manager would provide information on key decision points to the Council; EOC staff would work 12-hour shifts throughout the duration of a disaster; the City has a siren and warning system to effectively alert the community in an emergency; the system keys the community to tune into Channel 15 or 1280 AM on the radio; there are over 100 people trained through the Community Emergency Response Team (CERT); some teams have been organized in specific areas; there will be a series of table top exercises in October and a functional exercise in November; the EOC would be activated during the table top exercises; the City Manager and staff would be present and would be given a complex scenario; logistical issues such as shelter, lost power and water, and accesses to the City are addressed; the emergency responders would work through a City-based scenario during the functional exercise, while the Council would be making policy decisions.

Mayor Johnson stated that it would be good for Councilmembers to attend the exercises; part of the exercise should address which issues are policy orientated; Councilmembers need to know where to report and what their responsibilities are when a disaster occurs; the phones and cable channels might not work during a disaster.

The Fire Chief stated that the Council would report to the Chambers.

Mayor Johnson stated that she was not sure that the Council should report to the Chambers if the electricity and cable are not working; the issue needs to be addressed.

The Fire Chief stated that the first process would be for the Council to report to the Chambers; another building would be specified if the equipment in the Chambers was not working.

Mayor Johnson stated that she would like to better understand the intent of having the Council report to the Chambers.

The Fire Chief stated that the Council would be involved in the planning process.

Mayor Johnson stated that the Council needs to be better informed and confident that plans are in place; stated that the Council needs to know the worst-case scenario; there is a lot of sandy soil and fill throughout the City; more than the bridges could be lost in the event of an earthquake; some issues that the Council needs

to address are: how people would be evacuated, whether helicopters would be available, and what would happen to the water supply; people need to know how to turn off gas lines; stated that cable communication would most likely be out during a disaster.

Councilmember Matarrese requested a current copy of the City's Emergency Operation Plan and that the matter be placed on an agenda for discussion; stated that questions have been raised regarding the placement of people and the use of public facilities including the schools; that he would rather not wait until the exercise is performed in October; the matter needs to be addressed as soon as possible; recommendations could be made and policy direction could be given on what is in place now.

The City Manager stated that the Council would be provided with a copy of the Emergency Operation Plan and that the matter could be placed on an agenda for future discussion; issues that need direction would be identified; sheltering questions could be answered through the City's relationships with other agencies; tonight's intention was to ensure that the audience knows where contributions can be made to the current disaster victims and that the City has a plan in case a disaster occurs.

Councilmember deHaan stated that everyone has a heavy heart right now; the gas surge was a best-case scenario; resources were available to handle the situation; the liquefaction was monumental (particularly at the Naval Air Station) during the earthquake; tonight's discussion is timely; noted that he was sorry the discussion had to be within the current circumstances; stated that the comments are worthwhile and appreciated; the Council has responsibilities; stated that he takes the responsibility seriously; he is concerned with communication and support resources in the City; the Fire and Police Departments are on 24-hour shifts, but other departments are not; stated that he looks forward to further discussion.

(05-437) Councilmember Daysog requested: 1) an update on the status of the live/work issues, 2) a timetable outlining when the matter would be addressed, and 3) an update on the court issues.

(05-438) Councilmember Daysog requested a review of current and future developments occurring in the City of Oakland that could have impacts on the City of Alameda; stated that a recent cable television show mentioned a project that would be occurring at Jack London Square.

(05-439) Councilmember Daysog stated that there seem to have been a number of accidents at the intersection of Constitution Way and

Pacific Avenue; there was an accident yesterday around 4:00 p.m.; the Police and Fire Departments responded quickly; there was a death at the location last year and another death one block up; requested the area be reviewed such as the possibility of bushes being too high.

(05-440) Councilmember Daysog stated that he was glad that disaster readiness was on the minds of everyone; the next disaster or terrorism strike is not a matter of if, but when; planning ahead benefits the community.

(05-441) Councilmember Matarrese stated that he received a communication from the town of Asuchio, El Salvador in response to a request from the Social Service Human Relations Board's (SSHRB) Sister City Committee; requested the response be conveyed to the SSHRB for consideration.

(05-442) Councilmember Matarrese stated that there is a proposed development between 29th Avenue and 23rd Avenue below International Boulevard in Oakland for 800 to 1200 units of housing; the two streets feed into the Fruitvale and Park Street Bridges; the City should keep an eye on development that occurs on both sides of the Estuary.

(05-443) Councilmember deHaan stated periodic updates on the budget are supposed to be provided to Council; inquired how often the updates were to occur.

Mayor Johnson responded quarterly.

The City Manager stated that an update is scheduled for next month.

Councilmember deHaan inquired when the ten-year forecast would be presented, to which the City Manager responded November, along with the infrastructure budget.

ADJOURNMENT

(05-444) There being no further business, Mayor Johnson adjourned the Regular Meeting at 10:00 p.m. in memory of the Hurricane Katrina victims.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 6, 2005- -6:10 P.M.

Mayor Johnson convened the Special Meeting at 6:15 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(05-417) Conference with Labor Negotiators; Agency Negotiator: Beverly Johnson; Employee: City Attorney.

(05-418) Public Employee Performance Evaluation; Title: City Attorney.

(05-419) Conference with Legal Counsel - Anticipated Litigation; Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; Number of cases: One.

(05-420) Conference with Real Property Negotiators; Property: 2900 Main Street; Negotiating parties: City of Alameda and Alameda Gateway, Ltd; Under negotiation: Price and terms.

Mayor Johnson called a recess to hold the City Council Meeting at 7:25 p.m. and reconvened the Closed Session at 10:05 p.m.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that regarding Conference with Labor Negotiators, the Council discussed labor negotiations; regarding Public Employee Performance Evaluation, the Council did not discuss the matter; regarding Conference with Legal Counsel, the Council directed that the matter be further researched and brought back on September 20, 2005; and regarding Conference with Real Property Negotiators, the Council directed that a response letter be sent.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 11:30 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

Agenda for meeting was posted in accordance with the Brown Act.